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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,509	12/10/2001	Davide Libenzi	002.0232.01	9083
28875	7590	03/09/2006	EXAMINER	
Zilka-Kotab, PC			CHANKONG, DOHM	
P.O. BOX 721120			ART UNIT	
SAN JOSE, CA 95172-1120			PAPER NUMBER	

2152

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,509

Applicant(s)

LIBENZI, DAVIDE

Examiner

Dohm Chankong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-12, 15-20, 22-27, 29-36, 39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12, 15-20, 22-27, 29-36, 39 and 40 is/are rejected.
- 7) ☒ Claim(s) 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1> This action is in response to Applicant's request for continued examination. Claims 1, 10, 20, 26, 27, 33, 39 and 40 are amended. Claim 38 is cancelled. Claims 1-3, 6-12, 15-20, 22-27 and 29-37 and 39-40 are presented for further examination.

2> This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1.12.2006 has been entered.

Response to Arguments

4> Applicant's arguments with respect to claims 1-3, 6-12, 15-20, 22-27 and 29-40 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

5> Claim 37 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6> Claims 1-3, 6-12, 15-20, 22-27, 29-36 and 39-40 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Liu et al, U.S. Patent Publication 2002/0147780, ["Liu"] and Donaldson, U.S Patent No. 6,321,267.

7> Regarding claims 1, 10, 19, 20, 25, 27, 31, 32, 34 and 35, Liu discloses a method, apparatus and computer software (collectively referred to as, "system"), for implementing message screening comprising:

a system for intercepting an incoming message at a network domain boundary whereby the incoming message includes a header of a plurality of address fields storing content (Liu teaches using gateway for scanning virus, ¶ 44, 49 Col.5, lines 13-24)

a stored set of blocking rules such that each rule defines characteristics indicative of messages with bad content; a parser module identifying the contents of each address field; a comparison module checking the contents of each address field against the rules to screen bad messages and identify recognizes messages clean messages (Liu teaches determining message status from header, using address or status code, e.g., token, inherently it must have address database for comparable, this is equivalent storing blocking rule, ¶44, 49).

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Although, Liu also teach using intermediate message queue for storing cleaned message (¶71), Liu does not explicitly teach further processing of the messages in the intermediate queue including scanning for viruses. However, in the same field of endeavor, Donaldson discloses “chaining” together filtering proxies [column 8 «lines 41-44】. The advantage of chaining the proxies provides increased processing of received messages in essentially a cascading fashion [column 13 «lines 35-47»].

Donaldson teaches a method, which could easily be implemented in form of computer software and apparatus, for first filtering (or blocking) received email messages based on discoverable characteristics [column 8 «lines 14-21» : email blocked based on address of sender or protocol fields]. Any emails that pass the first filtering step are then further processed using a malicious code filter (virus checker) [column 13 «lines 35-47»]. However, any blocked emails (“infected messages”) are blocked from further processing and entering the local email server (“intermediate queue”) immediately after the email address field has been compared to the blocking rules [column 8 «lines 37-39 and 61-67»].

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made incorporate Donaldson’s layered processing techniques with Liu’s current system. The benefits of utilizing multiple layers of processing provides improved security for email systems by subjecting email messages through a series of multiple security protocols, such as IP-address blocking and virus checking [see Donaldson, abstract].

8> As per Claims 2, 11 and 39, Liu-Donaldson teach a message receiver discards each invalid message without further processing [Donaldson, column 8 «lines 37-39»].

9> As per Claims 3 and 12, Liu-Donaldson teach the blocking rules specify a regular expression containing one of literal value [Liu, address, status code, ¶44].

10> As per Claims 6 and 15, Liu-Donaldson teach a gateway receives the incoming messages into the network domain boundary [Liu, ¶44].

11> As per Claims 7, 16, 24 and 31, Liu-Donaldson teach the structured fields comprise one of sender and recipient [Liu ¶44].

12> As per Claims 9, 18, 26 and 33, Liu-Donaldson teach the distributed computing environment is TCP/IP compliant and the incoming message is SMTP compliant [Donaldson, ¶33].

13> As per Claims 22 and 29, Liu-Donaldson teach a message queue [Liu, Figure 10] but do not explicitly disclose enqueueing the screened incoming message. Donaldson, however, discloses storing and transferring messages between message buffers [column 11 «lines 46-51»]. Properly screened messages (messages that are not initially blocked) are transferred for further processing. In essence, this functionality is analogous to claimed method of enqueueing a screened incoming message [where in Donaldson, the screened message is “enqueued” at the next filtering proxy]. Thus, it would have been obvious to one of ordinary skill in the art

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to modify Liu, in light of Donaldson, with queuing functionality that enables multiple layers of security.

14> As per Claims 23, 30 and 40, Liu-Donaldson teach closing the open connection to the sending client of the non-screened incoming message packet [Donaldson, column 11 «lines 37-44»].

15> As to claims 8, 17 and 35, Liu-Donaldson teaches message includes attachment [Donaldson, column 10 «lines 19-21»].

16> Claim 36 is rejected under 35 U.S.C § 103(a) as being unpatentable over Liu and Donaldson, in further view of Ji et al, U.S Patent No. 6.889.943 [“Ji”].

17> As to claims 36, Liu-Donaldson do not disclose a queue maintained at a constant size. Ji discloses disclose using FIFO, which has a specific determined size, i.e. constant size message queue, for storing messages [column 18 «lines 19-31»]. The point of maintaining a desired number of messages is to help conserve memory utilized at the computer. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the fixed messaging queue as taught by Ji into Liu-Donaldson.

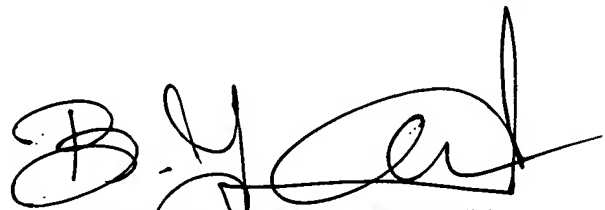
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



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